

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Larry Coles, ) Civil Action No.: 1:14-4371-BHH  
                  )  
                  Plaintiff, )  
                  )                           **ORDER AND OPINION**  
                  vs. )  
                  )  
Inv. Alvin Worsley; Cpl. Chris Owens; Dr. )  
Miller, FCDC/Medical Dept.; and Deputy )  
Bell Flowers, )  
                  )  
                  Defendants. )  
                  )  
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The plaintiff Larry Coles ("the plaintiff"), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Shiva V. Hodges made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On June 2, 2015, the Magistrate Judge issued a Report and Recommendation recommending that this case be dismissed *with prejudice* in accordance with Fed. R. Civ. P. 41(b). (ECF No. 47.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

The plaintiff was advised of his right to file objections to the Report and

Recommendation. (ECF No. 47 at 4.) On June 11, 2015, the envelope containing the plaintiff's copy of the Report and Recommendation was returned to the Clerk of Court, marked "Return to Sender, Attempted - Not Known, Unable to Forward." (ECF No. 49.) The plaintiff was previously advised by order filed November 19, 2014 (ECF No. 8), of his responsibility to notify the Court in writing if his address changed. That order also informed the plaintiff that his case could be dismissed for failing to comply with the Court's order. (ECF No. 9 at 3.)

The plaintiff filed no objections and the time for doing so expired on June 19, 2015. In the absence of objections to the Magistrate Judge's Report and Recommendation, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed.R.Civ.P. 72 and advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that the plaintiff's claims against the defendants are subject to summary dismissal. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference and this action is DISMISSED with prejudice for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

All pending motions are denied as moot.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks  
United States District Judge

June 22, 2015  
Greenville, South Carolina

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.